

ORDINANCE 2009-01

AN ORDINANCE ESTABLISHING A TAX INCREMENT FINANCING INDUSTRIAL DISTRICT PROGRAM TO ASSIST IN FINANCING NECESSARY INDUSTRIAL INFRASTRUCTURE TO ENCOURAGE THE ATTRACTION, GROWTH AND RETENTION OF SECONDARY, VALUE-ADDING INDUSTRIES; PROVIDING FOR DEFINITION OF TERMS; ESTABLISHING THE COSTS WHICH MAY BE PAID BY TAX INCREMENT FINANCING INDUSTRIAL DISTRICTS; CREATING AND APPROVING THE NORTH JEFFERSON COUNTY TAX INCREMENT FINANCING INDUSTRIAL DISTRICT; ESTABLISHING THE BOUNDARIES THEREOF AND APPROVING THE PLAN; ESTABLISHING JANUARY 1, 2009 AS THE BASE TAXABLE YEAR; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

* * * * *

WHEREAS, Jefferson County is interested in fostering the development of secondary, value-adding industries in the County as part of its overall mission to promote economic development, to improve area employment opportunities and to expand the tax base; and,

WHEREAS, the creation of a Tax Increment Financing Industrial District, as authorized in Sections 7-15-4282 through 4299, MCA, will help fund the supportive public infrastructure needed for the development of secondary, value-adding industries in North Jefferson County; and,

WHEREAS, Jefferson County is interested in using Tax Increment Financing as a tool to foster economic and community development.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY OF THE STATE OF MONTANA AS FOLLOWS:

Section 1. Definitions. The following terms wherever used or referred to in this Ordinance shall have the following meanings:

- (1) "Tax increment financing industrial district" means a district designated as such by the County Commission in accordance with the provisions of this Ordinance, consisting of a continuous area within an accurately described boundary, zoned for light or heavy industrial use in accordance with the Jefferson County *Growth Policy*, and is found to be deficient in infrastructure improvements for industrial development.
- (2) "Actual taxable value" means the taxable value of taxable property at any time, as calculated from the assessment roll last equalized.

(3) “Base taxable value” means the actual taxable value of all taxable property within a tax increment financing industrial district prior to the effective date of a tax increment financing provision. This value may be adjusted as provided in Sections 7-15-4287 or 7-15-4293, MCA.

(4) “North Jefferson County Tax Increment Financing Industrial District” means the tax increment industrial infrastructure district created by this Ordinance.

(5) “Incremental taxable value” means the amount, if any, by which the actual taxable value at any time exceeds the base taxable value of all property within a tax increment financing industrial district.

(6) “Tax increment” means the collections realized from extending the tax levies, expressed in mills, of all taxing bodies which the tax increment financing industrial district or a part thereof is located, against the incremental taxable value.

(7) “Taxes” means all taxes levied by a taxing body against property on an ad valorem basis.

(8) “Industrial district” means a tax increment financing industrial district.

(9) “Industrial infrastructure development project” means a project undertaken within or for an industrial district that consists of any or all of the activities authorized by Section 7-15-4288, MCA.

(10) “Act” means Title 7, Chapter 15, Parts 42 and 43, Montana Code Annotated.

Section 2. Findings. Based on representations made to the County Commission to date and taking into consideration all comments received, including those made at a public hearing duly held on December 1st, 2009, after notice was given, the County Commission does hereby make the following findings, determinations and declarations regarding the North Jefferson County Tax Increment Financing Industrial District, which is hereinafter referred to as the District:

(1) the property to be included in the District consists of a continuous area with an accurately described boundary;

(2) the property to be included in the District is zoned “Industrial” by the County Commission upon approval of Resolution 38-2009, amending the North Jefferson County Zoning Map with an effective date of December 15th, 2009;

(3) the property to be included in the District was zoned for industrial use in accordance with the Jefferson County *Growth Policy*;

(4) the property to be included in the District does not contain property included within an existing urban renewal area district;

(5) the property to be included in the District is deficient in public infrastructure for industrial development and will likely not be developed to its potential, without the provision of public infrastructure improvements;

(6) the Act requires that prior to final adoption of this Ordinance, the Commission shall hold a public hearing on the creation of the proposed District. Pursuant to such authority, notice of a public hearing in substantially the form presented in, and attached hereto as, Exhibit "A" was advertised and mailed by certified mail to all property owners in the district, to be held on December 1st, at 1:45 P.M., in the Jefferson County Courtroom/Commission Chambers in the Jefferson County Courthouse in Boulder, Montana

Section 3. Establishment of the District. The North Jefferson County Tax Increment Financing Industrial District is hereby established.

Section 4. Boundaries. A legal description and map of the District are attached hereto as Exhibit "B".

Section 5. District Plan. A plan describing existing infrastructure, existing infrastructure deficiencies, and industrial development activities to be undertaken within the District is attached as Exhibit "C".

Section 6. Base Year. For the purpose of calculating the incremental taxable value for each year of the life of the District, the base taxable value shall be calculated as the taxable value of all real and personal property within the District, as of January 1, 2009.

Section 7. Tax Increment Provision. The County is hereby authorized to segregate, as received, the tax increment derived in the District, and use and deposit such increment into the District Fund for use as authorized by the Act and as authorized herein or by the County Commission from time to time.

Section 8. Costs That May be Paid From Tax Increments. The tax increments received from the District may be used to directly pay costs of approved infrastructure projects, or to pay debt service on bonds issued to finance infrastructure improvements as defined under the Act as may from time to time be approved by the County Commission. The County Commission hereby authorizes the use of tax increment in the District to be used to pay debt service on internal and bank financed loans issued to finance all or a portion of the costs of eligible improvements in compliance with the Act, and subject to any limitations imposed by the Montana Constitution.

Section 9. Term of the Tax Increment Financing Provision. The tax increment financing provision of the District will terminate upon the earlier of:

(a) the fifteenth year following the creation of the District; or

(b) the payment or provision for payment in full or discharge of all loans, and the payment of interest thereon, for which the tax increment has been pledged.

After termination of the tax increment financing provision, all taxes shall continue to be levied upon the actual taxable value of the taxable property in the District, but shall be paid into funds of the taxing bodies levying taxes within the District.

Section 10. Effect of Industrial Infrastructure Development Project. The creation of an industrial infrastructure development project or the approval of an industrial infrastructure development project does not affect, abrogate or supersede any rules, ordinances, or regulations of the County relating to zoning, building permits, or any other matters.

Section 11. Effective Date. This Ordinance shall be in full force and effect upon passage and adoption by the County Commission.

Section 12. Conflict with Other Ordinances and Resolutions. All parts of ordinances and resolutions in conflict herewith are hereby repealed.

PASSED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY, STATE OF MONTANA, this 15th day of December, 2009.

ATTEST:

Bonnie Ramey, Clerk and Recorder

(SEAL OF COUNTY)

APPROVED FOR LEGAL CONTENT:

County Attorney

State of Montana)

County of Jefferson)

I, Name, Clerk and Recorder of Jefferson County, Montana, do hereby certify that the forgoing Ordinance 2009-01 was placed on its final passage and passed by the County Commission of Jefferson County, Montana, at a meeting thereof held on the 15th day of December, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said County on the 15th day of December, 2009.

Bonnie Ramey, Clerk and Recorder

(SEAL OF COUNTY)

State of Montana)
County of Jefferson)

Name, being first duly sworn, deposes and says: That on the 15th day of December, 2009, and prior thereto, she was the Clerk and Recorder of Jefferson County, State of Montana; that as said Clerk and Recorder she did publish and post as required by law and as prescribed and directed by the County Commission, Ordinance 2009-01 of Jefferson County, in three conspicuous places within the limits of said County to wit:

On the Bulletin Board, first floor, Jefferson County Court House Building;
and every post office and library in the county.

Bonnie Ramey, Clerk and Recorder

(SEAL OF COUNTY)

EXHIBIT "A"

PUBLIC HEARING NOTICE

Notice is hereby given that the County Commission of Jefferson County, Montana, will hold a public hearing on Ordinance 2009-01 on December 1st, 2009 at 145 P.M., in the Courtroom/Commission Chambers of the Jefferson County Courthouse, Boulder, Montana.

Said Ordinance is to establish the North Jefferson County Tax Increment Financing Industrial District for the purpose of encouraging industrial growth by providing a financial mechanism to install necessary infrastructure improvements. The proposed District includes all of the incorporated properties in an area that includes the City-County Land Fill and contains +/-121.98 acres.

The County is authorized by Title 7, Chapter 15, Part 42, Montana Code Annotated, to establish a tax increment financial industrial district and to use the tax increment generated within the district to finance the costs of certain infrastructure improvements in order to encourage the attraction, growth and retention of secondary value-adding industries.

Copies of said Ordinance, which contains a legal description and a map of the proposed District, can be obtained at the County Commissioner's Office, County Courthouse, Boulder, Montana.

Any interested person may appear at the public hearing and speak in favor of or against Ordinance 2009-01 or submit in writing any comments to the County Commissioner's prior to or during said hearing.

If special accommodations for disabilities are needed, please call 406-225-4040

Bonnie Ramey, County Clerk and
Recorder

PUBLICATION DATE: November 18, 2009

EXHIBIT “B”

Legal Description

Beginning at the East $\frac{1}{4}$ corner of Section 6, T. 9 N., R. 2 W., P.M.M., Thence along the Southerly line of Tract A, COS 152653 a Bearing of S $89^{\circ}47'47''$ W a distance of 2386.18 feet to the True Point of Beginning; Thence S $89^{\circ}47'47''$ W a distance of 717.48 feet; Thence S $1^{\circ}26'13''$ E a distance of 79.74 feet, Thence S $37^{\circ}39'17''$ E a distance of 290.01 feet; Thence S $70^{\circ}31'51''$ E a distance of 459.42 feet; Thence S $22^{\circ}33'29''$ E a distance of 427.00 feet; Thence S $75^{\circ}36'27''$ E a distance of 240.00 feet; Thence S $0^{\circ}15'44''$ W to the South line of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of said Section 6, a distance of +/- 400.00 feet; Thence along said South Line S $89^{\circ}47'47''$ W a to the East ROW line of Montana Secondary Highway 518, a distance of +/- 2154.60 feet; Thence along said East line of Montana Secondary Highway 518 N $3^{\circ}13'42''$ W to the Northwest Corner of Lot 1, Bahny's Minor Subdivision a distance of +/- 2658.45 feet; Thence along the North line of Bahny's Minor Subdivision, and COS 152653 N $89^{\circ}45'12''$ E a distance of 2010.09 feet, Thence to the Point of Beginning S $0^{\circ}12'42''$ E a distance of 1336.27 feet. Described area encompassing +/- 121.98 acres.

District Map

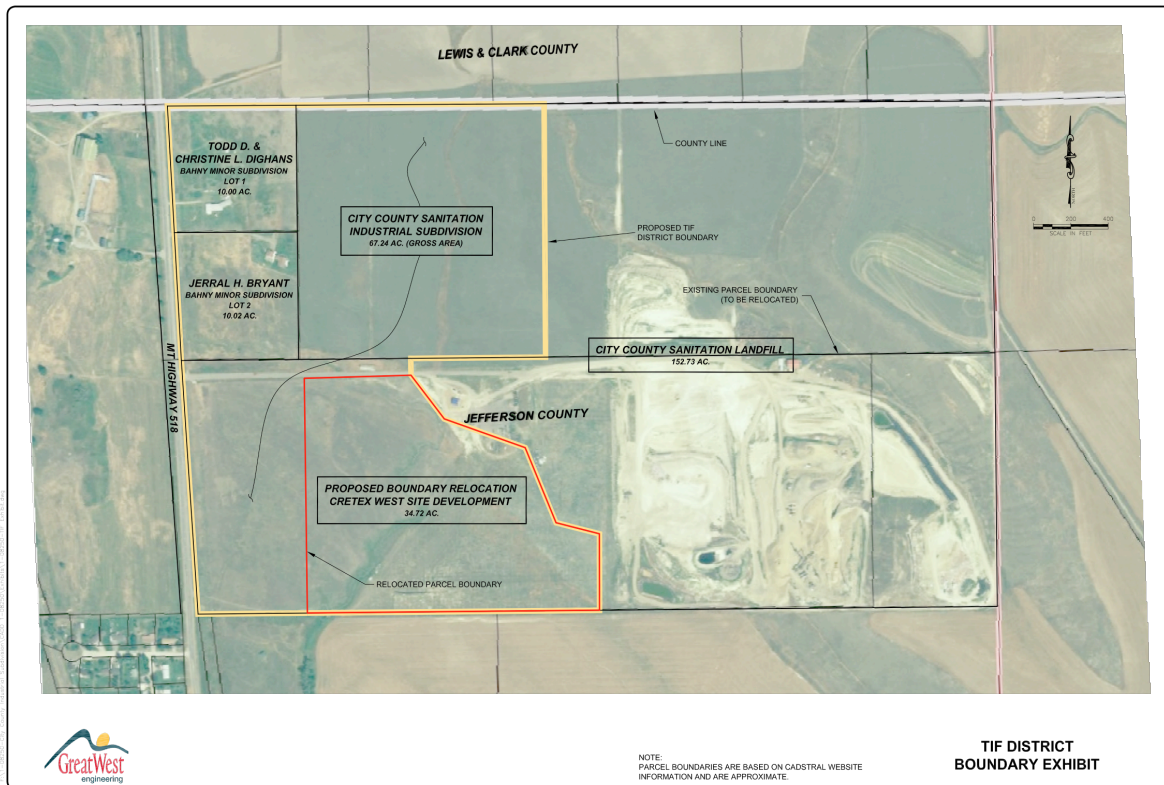


Figure 1. North Jefferson County Tax Increment Financing Industrial District

EXHIBIT “C”

District Plan is Attached